

RECEIVED
CENTRAL FAX CENTER
MAY - 7 2007

PATENT APPLICATION

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

ATTORNEY DOCKET NO. 200209473-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Anderson et al.

Application No.: 10/627,560

Filing Date: 07/25/2003

Confirmation No.: 5231

Examiner: Thomas A. Morrison

Group Art Unit: 3653

Title: SYSTEM AND METHOD FOR HANDLING PRINT MEDIA

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on March 7, 2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit:

OR

- ☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300.
Date of facsimile: 05/07/2007

Typed Name: Petar Kraguljac

Signature: Petar Kraguljac

Respectfully submitted,

Anderson et al.

By Petar Kraguljac

Petar Kraguljac

Attorney/Agent for Applicant(s)

Reg No.: 38,520

Date: 05/07/2007

Telephone: (216) 348-5843

RECEIVED
CENTRAL FAX CENTER
MAY - 7 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Thomas A. Morrison
Andersen et al.)	
)	Art Unit: 3653
Serial No.: 10/627,560)	
)	
Filed: July 25, 2003)	
)	
For: SYSTEM AND METHOD FOR)	
HANDLING PRINT MEDIA)	
)	
Date of Examiner's Answer:)	Attorney Docket No.:
March 7, 2007)	200209473-1
)	

May 7, 2007

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF under 37 CFR §41.41

Dear Sir:

This Reply Brief is timely provided within two months from the mailing date of the Examiner's Answer dated March 7, 2007.

CERTIFICATE OF FACSIMILEDate of Deposit: May 7, 2007

I hereby certify that these papers are being transmitted to The United States Patent and Trademark Office facsimile number (571) 273-8300 on May 7, 2007.



Peter Kraguljac

Docket No. 200209473-1
Appl. No. 10/627,560
Reply Brief dated May 7, 2007

Reply

In response to the Examiner's Answer, dated March 7, 2007, Appellant respectfully submits the following reply as permitted under 37 CFR §41.41(a)(1). The Examiner's Answer contained no new grounds of rejection and the present reply contains no new amendment, affidavit or other evidence. Thus a formal Brief is not required. The present reply supplements Appellant's Appeal Brief in view of the Examiner's Answer.

The following sections address the Examiner's Answer in order by topic as they appear in the Examiner's Answer starting on page 10 and section "(10) Response to Argument."

I. Whether Claims 1-8, 10-12 and 14-19 are unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,042,791 (Stemmler).

In response to Appellant's Brief, the Examiner asserts:

Appellant's allegation that the duplex media path somehow ends at the inverter 40 is without merit. With appellant's interpretation of the duplex media path, the Stemmler apparatus is **inoperable**. More specifically, if the duplex path ends at the inverter 40, there is no way for a sheet to be returned...(i.e., **no way to complete the duplex print**). (Examiner's Answer, page 10, parag. 2) (emphasis in original)

The Examiner appears to have interpreted Appellant's arguments to mean that there is no longer a connection between inverter 40 and rest of the printer. This is, of course, false. Nowhere in Appellant's Brief is the notion that the path from the inverter 40 just ends. Therefore, the Examiner's assertion fails to provide any additional substance to the rejection.

It is known in the imaging arts that printers can have multiple paper paths, some of which are connected at various points to define continuous paths. It is also common in the imaging arts to define different paths along various portions of a continuous path based on a function that is performed along that path. For example, the primary reference of Stemmler

Docket No. 200209473-1
Appl. No. 10/627,560
Reply Brief dated May 7, 2007

refers to a "print substrate path" where the function of forming an image occurs (Stemmle, column 6, lines 63-66). Similarly, the present application refers to a "primary media path" along which print media is imaged (specification page 3, lines 1-2).

For duplex printing, it is known to those of ordinary skill in the art that a duplex path is included where the function of inverting sheets of paper occurs so that the other side of the paper can be imaged. Stemmle refers to "duplex path" and a "duplex path side shifting inverter 40" where the function of inverting a print substrate is performed (Stemmle, column 5, lines 8-10, and column 6, lines 54-57). The present application refers to a "duplex media path" where imaged print media is returned for double-sided imaging (specification page 3, lines 2-3).

Although the duplex path and the primary printing path form a continuous path, they are identified and regarded in the art as different paths within the continuous path based on the function performed. Both Stemmle and the present application are not inconsistent with this understanding.

Claim 1 recites a media feeder positioned adjacent to one side of the image forming device and configured to input print media into the duplex media path. The issue here is whether Stemmle teaches a media feeder that inputs print media into a duplex path. The answer is no.

The Examiner relies on Figure 8 (with Figure 1) of Stemmle as teaching the claimed language of "a media feeder ... to input print media into the duplex media path." The Examiner asserts that the paper path including transport rollers 88 (shown in Fig. 1) and the area above transport rollers 88 (sideways V-shaped portion) is part of the duplex path (Examiner's Answer page 11). With this interpretation, the Examiner asserts that paper tray 83 (Fig. 8) feeds print media into the duplex media path. Appellant respectfully submits that Stemmle does not teach this interpretation and one of ordinary skill in the art would not interpret paper tray 83 as inputting print media into the duplex path of Stemmle.

Docket No. 200209473-1
Appl. No. 10/627,560
Reply Brief dated May 7, 2007

Figure 8 of Stemmler discloses an embodiment of the inverter 40 as being in a removable cassette 82. Stemmler teaches that the cassette contains the duplex path (Stemmler, column 9, line 61: "With a cassette containing a duplex path..."; and column 9, line 67: "a duplex path cassette..."). Since the cassette contains the duplex path as disclosed by Stemmler, Stemmler teaches that when the removable cassette is removed from the printer, so too is the duplex path (column 9, lines 61-68). Thus Stemmler does not regard the path along transport rollers 88 (which are not part of the cassette) as part of the "duplex path" and one of ordinary skill would not interpret Stemmler in this manner. Thus the Examiner's interpretation is contrary to the teachings of Stemmler.

To further support this position, Stemmler describes portions of the paper path on each side of the inverter 40 (e.g. the entrance and exit of the inverter 40) as a "substrate transport path" and not as the "duplex path." In particular, Stemmler teaches:

FIG. 8 illustrates a further alternative embodiment wherein the side shifting inverter 40 and a portion of the substrate transport path on each side of the side shifting inverter are included in a cassette 82 which is removable from the printing machine... (Stemmler, column 9, lines 40-44) (emphasis added)

Thus, Stemmler differentiates the "duplex path" of the inverter from the "substrate transport path." Although not labeled in Figure 8, the "portion of the substrate transport path on each side of the side shifting inverter" would be the small portions of the path extending from the entrance of the cassette (under rollers 42) and the exit of the cassette (under rollers 88 not labeled). The duplex path is thus in-between these portions defined by the inverter 40. Looking at the function of the substrate transport path, it appears to provide a connection function of the cassette to the paper path within the printer coming from the rollers 42 into the cassette and exiting out from the cassette to the transport rollers 88.

Accordingly, paper tray 83 does not input paper into the duplex path of the inverter 40 but into the "substrate transport path" at the exit of the cassette (see Figure 8). This is analogous to a highway and an exit ramp. One of ordinary skill does not regard the exit ramp

Docket No. 200209473-1.
Appl. No. 10/627,560
Reply Brief dated May 7, 2007

as the "highway" but rather a separate portion of road that allows a car to transfer to a different road. The highway, the exit ramp, and the different road form a continuous path yet each portion is a separate element. Likewise, Stemmler teaches the duplex path of the inverter (e.g. the highway) is different from the substrate transport path (e.g. the exit ramp) and the paper tray 83 inputs paper into the exit ramp.

Claim 1 recites a media feeder configured to input print media "into the duplex media path." For the reasons above and the reasons submitted in the Appeal Brief, Stemmler fails to teach this feature and fails to anticipate claim 1. The rejection should be reversed.

Independent Claim 10

Independent claim 10 recites "a media input unit configured for attachment to one side of the image forming device to input non-imaged media into the return media path." For the reasons above and the reasons set forth in the Appeal Brief, Stemmler fails to teach this feature and fails to anticipate claim 10. The rejection should be reversed.

Claim 10 further recites "the return media path does not return the imaged media across the media input unit during duplex printing." Looking at Figure 8 of Stemmler, the duplex path of the inverter 40 clearly returns imaged media across the paper tray 83. Thus, this feature is also not taught by Stemmler and a prima facie anticipation rejection has not been established.

Independent Claim 16

Independent claim 16 recites "the duplex media path being configured to receive non-imaged print media from the media storage unit." For the reasons above and the reasons set forth in the Appeal Brief, Stemmler fails to teach a duplex media path that receives non-imaged print media. The rejection should be reversed.

Docket No. 200209473-1
Appl. No. 10/627,560
Reply Brief dated May 7, 2007

II. Whether Claim 21 is unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,042,791 (Stemmle) or in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,042,791 (Stemmle) in view of U.S. Patent No. 5,724,642 (Cala).

Appellant repeats the reasoning submitted in the Appeal Brief. A prima facie anticipation or obviousness rejection has not been established. The rejection should be reversed.

III. Whether Claims 9, 13 and 20 are unpatentable under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,042,791 (Stemmle) as applied to claims 6, 10 and 16, and further in view of U.S. Patent No. 6,308,948 (Azumi).

Appellant repeats the reasoning submitted in the Appeal Brief. A prima facie obviousness rejection has not been established. The rejection should be reversed.

Docket No. 200209473-1
Appl. No. 10/627,560
Reply Brief dated May 7, 2007

Conclusion

Appellant respectfully maintains all previous arguments, which show the deficiencies in the rejections, along with the additional comments submitted herein. Accordingly, Appellant respectfully requests that the Board of Appeals overturn all rejections and allow all pending claims.

Respectfully submitted,

May 7, 2007

Date



Peter Kraguljac (Reg. No. 38,520)

(216) 348-5843
McDonald Hopkins LLC
600 Superior Avenue, E.
Cleveland, OH 44114